

## **STAFF ANALYSIS**

### **PROJECT NUMBER**

**03-036-(2)**

### **CASE NUMBER**

**Conditional Use Permit Case No. 03-036-(2)**

### **OVERVIEW OF PROPOSED PROJECT**

The applicant, Atlas Iron and Metal Company, is requesting a Conditional Use Permit to authorize continued use, operation and maintenance of an existing scrap metal recycling facility in the M-2 zone. The proposed facility consists of two existing warehouses, one steel canopy structure and accessory equipments.

An enforcement case was opened in December of 2002 in response to an incident involving the explosion in the facility. On December 9, 2002, a military ordnance round exploded during the recycling process and landed in the adjacent high school (David Starr Jordan High School). Inspection reveals the facility is operating with an expired Conditional Use Permit. Currently, the facility is operating under an Interim Operating Agreement since March of 2003. The case will be closed if the subject Conditional Use Permit is approved.

An interagency task force to investigate the incident was established by the Second Supervisorial District. The task force which included officials and staffs from the Board of Supervisors, the Sheriff's Department, the Fire Department, Department of Health Services, Department of Public Works, Department of Regional Planning, Los Angeles Unified School District, Southern California Air Quality Management District and Department of Toxic Substances Control has been working closely with the applicant to develop interim operating conditions and enforcement plan to prevent similar incident from occurring on the subject site. The Interim Operating Agreement consists of the recommendations of the task force.

### **DESCRIPTION OF SUBJECT PROPERTY**

#### **Location**

The subject property is located at 10019 to 10035 Alameda Street (on the west side of Alameda Street, between East 97<sup>th</sup> Street and East 103<sup>rd</sup> Street) in the Stark Palms Zoned District. The applicant's site plan depicts access to the subject property being provided from the east via Alameda Street. A driveway system linking Alameda Street to the east will serve the facility. Alameda Street is a designated Secondary Highways with a right-of-way width of approximately 71 to 75 feet.

#### **Physical Features**

The subject property is a 3.24-acre irregular shaped parcel with level topography. The property is currently developed as a scrap metal recycling facility in an urbanized area.

### **ENTITLEMENT REQUESTED**

The applicant is requesting a Conditional Use Permit to authorize the continued use, operation and maintenance of an existing scrap metal recycling facility in the M-2 zone.

**EXISTING ZONING**

**Subject Property**

Zoning on the subject property is M-2 (Heavy Manufacturing).

**Surrounding Properties**

Surrounding zoning consists of:

North: M-2

East: The City of South Gate

South: M-2

West: The City of Los Angeles

**EXISTING LAND USES**

**Subject Property**

The subject property is currently used as a scrap metal recycling facility.

**Surrounding Properties**

Surrounding land uses consist of:

North: Industrial and manufacturing developments

East: Multi-family residences, commercial and industrial uses

South: David Starr Jordan High School and industrial developments

West: David Starr Jordan High School

**PREVIOUS CASES/ZONING HISTORY**

There are seven previous cases noted on the subject property:

- Plot Plan No. 30730: filed to allow the construction of a 10-foot gate and a 10-foot masonry wall (approved 1981).
- Parking Permit No. 60: approved in 1984 to allow less than required parking and permit tandem parking (Expired, 2002);
- Special Permit No. 1718: request to construct a sheet metal storage structure (approved, 1966);
- Special Permit No. 2007: request to continue to operate and maintain scrap metal yard (approved, 1970);
- Conditional Use Permit No. 1333: denied request for an auto dismantling yard on the southerly half of the site(1978);
- Conditional Use Permit No. 1505: request for continuation of the scrap metal yard, supercedes SP 2007 (approved, 1980);
- Conditional Use Permit No. 1970: approved in 1982 to expand existing scrap metal facility to include an adjacent parcel, supercedes CUP 1505 (expired; 2002);
- Conditional Use Permit No. 00-14: request to allow a wireless telecommunication facility (approved; 2000);
- EF No. 022650: Enforcement case opened in December of 2002 in response to an incident involving the explosion of an ordnance round in the facility. Inspection reveals

the facility is operating with an expired Conditional Use Permit. Currently, the facility is operating under an interim operating agreement since March of 2003 (**Attachment A**). The case will be closed if the subject Conditional Use Permit is approved.

### **COUNTYWIDE GENERAL PLAN**

The subject property is located within the "I" Major Industrial land use classification of the Los Angeles Countywide General Plan. The Countywide General Plan describes Major Industrial as "areas which are generally appropriate for major industrial uses including manufacturing of all types, mineral extraction sites, refineries, warehousing and storage, and product research and development. The intent of this category is to assure that sufficient land is allocated for a wide range of industry and industry-related activities serving both the domestic and export markets and providing jobs for a large portion of the resident labor force (LU-14)." The Major Industrial land use category also allows industrial services that are smaller in scale to meet the demand of the local area. A scrap metal processing facility would be consistent with the Major Industrial category.

Policy Number 23 of the Water and Waste Management Element of the Countywide General Plan state the need to conserve and recycle (Page VI-23):

"Facilitate the recycling of wastes such as **metal**, glass, paper, and textiles."

### **SITE PLAN**

#### **General Description**

The applicant's site plan depicts the 3.24-acre subject property with two (2) warehouse structures 5,000 and 6,000 square feet in size. A 4,876 square foot steel canopy structure used for cleaning and sorting recyclable materials is located along the southerly property line. The steel canopy and the warehouse located at the rear are not being used at this time. The canopy structure is constructed without a valid building permit and the warehouse requires extensive rehabilitation. If the conditional use permit is approved, the structures will have to be legalized and retrofitted in accordance with all pertinent codes. The warehouse structure fronting Alameda Street is currently used as office, storage and processing areas. There is an enclosed maintenance area adjacent to the 5,000 square foot warehouse. All the existing structures are approximately 20 feet in height.

A Nextel telecommunication device abuts the southeast corner of the canopy structure (approved under CUP No. 00-14). There are two measuring equipment used to calculate the weight of the recycling materials, one is located next to the 6,000 square foot warehouse and the other is located approximate to the center of the north property line. The remainder of the property is depicted as driveways, vehicle storage area and storage area for scrap piles and nonferrous metals. The property is enclosed with a 10-foot block wall to the north, south and west. Also, fences of varying heights (6'-12') are along the north, south and east property line. There are three gates along the property frontage on Alameda Street. Landscaping consists of shrubbery along Alameda Street and the south property line. A pole sign is located at the front of the subject property.

### Compliance with Applicable Zoning Standards

Sections 22.52.670 to 22.52.780 of the County Code provide the following development standards applicable to the operation of a scrap metal processing recycling facility:

- All operations and storage, including all equipment used in conducting such use, other than parking, shall be conducted within an enclosed building or within an area enclosed by a solid wall or solid fence (Section 22.52.720).  
***The site plan depicts fencing of varying heights along the border of the subject property. The existing 10-foot block wall along the north, south and west property line; and the 12'-14.5' high fence with landscaping along Alameda Street can fulfill this requirement.***
- All fences and walls shall be of a uniform height in relation to the ground upon which they stand, and shall be a minimum of eight feet and shall not exceed 15 feet in height. Where fences or walls exceed a height of 10 feet and are located on street or highway frontages, they shall be set back at least three feet from the lot line. The area between the fence and the lot line shall be fully landscaped according to the specifications described in Section 22.52.730.A.  
***The applicant's site plan indicates that there is an existing fence 12'-14.5' located along the front property line. Section 22.52.730.A requires the fence set back at least three feet from the right-of-way along Alameda Street. If the Commission approves this request, the applicant will be required to revise the site plan to provide a 10-foot fence or wall at the present location or set the fence or wall back at least three feet. Also, the Commission can consider requiring the applicant to provide additional landscaping along the western property line.***
- Pursuant to Section 22.52.730.B, all fences and walls open to view from any public street or highway or any area in a residential, agricultural or commercial zone shall be constructed of the following materials:
  1. Metallic panels, at least .024 inches thick, painted with a "baked on" enamel or similar permanent finish;
  2. Masonry;
  3. Other materials comparable to the foregoing if approved by the director.***The existing chain link fence along Alameda Street is not in compliance with the requirement for fencing materials. Unless the Commission grants a modification to this requirement, the applicant will be required revise the site plan.***
- All fences and walls shall be constructed in workmanlike manner and shall consist solely of new materials unless the director approves the substitution of used

materials where, in his opinion, such used materials will provide the equivalent in service, appearance and useful life (Section 22.52.730.D).

***This standard has been incorporated into the draft conditions and will be required if the Commission approve the request.***

- All fences and walls, excluding masonry and approved permanent-finish panels, shall be painted a uniform, neutral color, excluding black, which blends with the surrounding terrain, and improvements shall be maintained in a neat, orderly condition at all times. Such fence or wall shall contain no painted signs or posters except as approved by the director (Section 22.52.730.E).

***All new fences and walls will be required to adhere to this requirement should the project be approved. The Commission can require the applicant to replace the existing fence along Alameda Street.***

- Any structures which are used as part of the yard boundaries and/or are exposed to view from a street or highway frontage shall be subject to painting, maintenance and sign requirements for fences and walls as provided in subsection E of this section. The director may approve other appropriate architectural treatment (Section 22.52.730.F).

***The site plan depicts a 10-foot masonry wall along the north, south and west property boundary. The applicant is not using existing primary structures as part of the yard boundaries. The 6,000 square foot building and the canopy structure is visible on Alameda Street. These buildings will need to be painted to conform to the perimeter wall and fence.***

- All areas of the yard open to vehicular passage shall be paved with an asphalt surfacing or an oil and aggregate mixture to prevent emission of dust or tracking of mud onto public rights-of-way; provided, however, the director may approve other paving materials which provide, in his opinion, the equivalent in service and useful life (Section 22.52.750.A).

***The applicant's site plan indicates the interior driveways, including the parking and storage areas are currently paved.***

- In connection with any manufacturing or other industrial use in any zone except Zone SR-D, there shall be provided parking space for all vehicles used directly in the conducting of such use and, in addition, not less than one automobile parking space for each two persons employed or intended to be employed on the shift having the largest number of employees, or each 500 square feet of floor area of the building used for such use, whichever is the larger (Section 22.52.1140).

***The applicant indicates there are 15 employees at maximum capacity and 11,000 square feet of building area (excluding the canopy structure). The 33 parking spaces as shown on the site plan are consistent with this requirement.***

- Pursuant to Section 22.52.1205, the following required parking spaces, and adequate access thereto, shall be maintained for each yard; these requirements are in addition to those imposed by Section 22.52.1140:
  - One parking space for each 7,000 square feet of yard area or fraction thereof, up to the first 42,000 square feet;
  - One parking space for each 20,000 square feet of yard area or fraction thereof, in excess of 42,000 square feet;

Based on the applicant's site plan, parking is required as follows:

Building Area of 15,876 (including canopy structure) square feet/ (1 space/500 sq. ft.) = 31.75 spaces

Total Yard Area 107,458 square feet (excluding landscape-2,800 sq. ft. & parking-15,000 sq. ft.)

42,000/ (1 space/7,000 sq. ft.) = 6 spaces

65,458/ (1 space/20,000 sq. ft.) = 3.27 spaces

Total spaces required for facility = 41 spaces

***Conditions of approval for Conditional Use Permit No. 1970 required the applicant to provide 41 parking spaces (38 standard and 3 truck spaces) for the facility. Parking Permit No. 60 was approved to reduce the parking from 41 spaces to 29 spaces (26 tandem and 3 truck spaces). Since Parking Permit No. 60 has expired, the Commission can require the applicant to provide the required parking spaces. The applicant's site plan depicts 33 parking spaces (28 standard and 5 designated truck spaces). Per American with Disabilities Act requirements, the applicant is required to provide two accessible handicapped spaces. The applicant's site plan is not in compliance with this requirement. If the Commission approved this request, the applicant will be required to revise the site plan to show the handicapped spaces. However, when the illegal canopy structure is brought to code, the applicant will be required to provide additional parking or file a parking permit to reduce the required parking.***

- At least one square foot of landscaping shall be provided for each linear foot of street or highway frontage, and said landscaping shall be developed in accordance with a plot plan which complies with the following criteria (Sections 22.52.770.A.1-4):
  - Landscaping shall be distributed along said frontage in accordance with the plot plan approved by the director.
  - No planting area shall have a horizontal dimension of less than three feet.
  - A permanent watering system or hose bibs shall be provided which satisfactorily irrigates all planted areas. When hose bibs are utilized, they shall be so located as to permit the watering of planted areas with a 50-foot hose.
  - All landscaped areas shall be continuously and properly maintained in good condition.

B. In existing yards, the director may approve alternative methods of providing landscaping where the criteria provided herein would cause unnecessary hardship

or constitute an unreasonable requirement and an alternative plan will, in his opinion, provide as well or better for landscaping within the intent of this provision. ***The subject property has street frontage of 291', which requires 291 square feet of landscaping. The applicant indicates approximately 2% of the 3.24 acres site is landscaped (2,800 sq. ft.). If the request is approved, the landscaping requirement would be made a condition of approval.***

Storage limitation (Sections 22.52.780.A.1-2):

1. Shall not be placed or allowed to remain outside of the enclosed yard area;
2. May be stored above the height of the fence or wall, provided such storage is not within 10 feet of an exterior lot line.

***If the request is approved, the requirements would be made a condition of approval.***

### **BURDEN OF PROOF**

#### **Burden of Proof per Code for Conditional Use Permits**

Pursuant to Los Angeles County Code Section 22.56.040 the applicant must meet the burden of proof requirements for Conditional Use Permits.

1. That the requested use at the location proposed will not:
  - A. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
  - B. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
  - C. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
2. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
3. That the proposed site is adequately served:
  - A. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
  - B. By other public or private service facilities as are required.

#### **Applicant's Burden of Proof Responses**

**See Attachment B**

### **ENVIRONMENTAL DOCUMENTATION**

The Department of Regional Planning has determined that a Negative Declaration is the appropriate environmental documentation for this project under the California Environmental Quality Act (CEQA) reporting requirements. An Initial Study was prepared for this project in compliance with the environmental guidelines and reporting procedures of the County of Los Angeles. The Initial Study showed that conditions or changes in the project are necessary in order to assure there is no substantial evidence that the project may have a significant effect on the environment.

During the environmental review phase of the project staff received comment letters from the County of Los Angeles Department of Public Works dated June 10, 2003, from the County of Los Angeles Fire Department dated July 14, 2003, from the County of Los Angeles Department of Health Services dated June 11, 2003; and from the Los Angeles Unified School District dated June 28, 2002. These letters have been included as attachments to the environmental document. Correspondences from the Department of Public Works, the Fire Department and the Department of Health Services pertain to the projects impacts on traffic, drainage, access and noise. The correspondence from the Los Angeles Unified School District indicated the environmental review for the request is inadequate and that an Environmental Impact Report is needed to analyze the facility's impacts an adjacent high school.

### **COUNTY DEPARTMENT COMMENTS**

#### **County of Los Angeles Department of Public Works**

Staff has received comments from the County of Los Angeles Department of Public Works, Watershed Management Division, dated June 10, 2003 and Land Development Division, dated March 31, 2003; their recommendation has been included as an attachment to this document (**Attachment C**). In their letters, the Department of Public Works identified the drainage and traffic impacts of the proposal and the necessary conditions that are needed to mitigate the impacts. The applicant is required to dedicate 40 feet of right-of-way to the centerline of Alameda Street and to comply with guidelines of the Standard Urban Stormwater Mitigation Plan

#### **County of Los Angeles Fire Department**

Staff has received comments from the County of Los Angeles Fire Department during the environmental review of the case and draft conditions require compliance with the conditions recommended. The Fire Department has review the project's compliance to access and recommended that all driveways be at least 26 feet in width.

#### **County of Los Angeles Health Services Department**

Staff has received comments from the County of Los Angeles Department of Health Services, dated June 11, 2003; their recommendation has been included as conditions of approval to mitigate noise impacts to the adjacent high school.

### **OTHER AGENCY COMMENTS**

Staff has received additional comments from the Los Angeles Unified School District, dated August 22 and August 29, 2003; the School District indicates the environmental document is inadequate and that due to the subject property's proximity to Jordan High School an Environmental Impact Report is needed to analyze the facility's noise and air quality impacts (**Attachment D**).

### **PUBLIC COMMENTS**

To date, staff has not received any public comments related to this request. The applicant's representative has prepared a letter to the Commission expressing Atlas Iron and Metal Company's desire to cooperate and request that the Commission consider allowing storage within the 50-buffer area (**Attachment E**).



**STAFF EVALUATION**

This Conditional Use Permit application was filed to continue the authorization of a scrap metal processing facility in response to an accident and zoning enforcement issues.

According to Section 22.32.190 of the County Code, a scrap metal processing facility in the M-2 zone is subject to a conditional use permit pursuant to Part 9 of Chapter 22.52 of the Los Angeles County Code and other conditions as the Commission require.

The continued operation of the scrap metal processing facility under the recommended conditions is consistent with the Industrial Land Use classification of the Los Angeles Countywide General Plan.

The land uses in the vicinity of the project site are predominately industrial development except for the adjacent high school (Jordan High School). Based on available County records, the scrap metal recycling facility has been established on the subject site since 1966. The 3.24-acre subject property contains sufficient area to accommodate the required development standards for parking, landscaping and fencing for as required by Part 9 of Chapter 22.52 of the County Code.

Staff has received comments from the School District and County agencies regarding the operation of the scrap metal processing facility. The issues related to the environmental impacts, safety hazards and enforcement violations. The table below summarizes the issues and responses.

<b>Issue</b>	<b>Response</b>
Operating without a valid permit	<ul style="list-style-type: none"><li>-The applicant is currently seeking approval of a conditional use permit.</li><li>-The Fire Department has issued permits to allow welding or cutting of scrap metals, to store and use LP-Gas.</li><li>-The applicant has satisfied all operating requirement of the Health Services Department.</li><li>The applicant has complied with the Interim Operating Conditions (See Attachment F).</li></ul>
Incompatible to adjacent land uses	<ul style="list-style-type: none"><li>-The existing facility has been operating since the 1960s.</li><li>-The property is adjacent to similar industrial developments.</li><li>-A 50-buffer area is recommended between the facility and the adjacent high school.</li></ul>
Processing of dangerous materials	<ul style="list-style-type: none"><li>-Atlas is no longer accepting any potentially hazardous scrap materials.</li><li>-The applicant has maintained the facility without any violations since April, 2003.</li><li>-All existing structures that require rehabilitation are vacant until a valid building permit is issued.</li><li>-An employee has been assigned to inspect all incoming scrap materials for potentially hazardous items before processing.</li></ul>
Unmitigated air quality and noise impacts to adjacent uses	<ul style="list-style-type: none"><li>-The Department of Health Services has conducted an acoustical analysis of the project and their recommendation has been included in the draft conditions.</li><li>-The applicant's consultant has prepared an Air Quality Compliance Assessment as required by the Interim Operating Agreement and found no significant air emission sources or issue (See Attachment G).</li></ul>

The applicant has been operating under an interim operating agreement and has been operating in full compliance with the conditions of that agreement. The existing scrap metal

processing facility is needed to conserve resources and contribute to countywide waste diversion goals of recycling materials and extending the life of landfills. It would be an undue hardship upon the applicant to relocate the existing business to other suitable property in the area since areas which can accommodate this type of use limited and may not be feasible.

If approved, staff recommends a five (5) year term for the requested Conditional Use Permit. This is based on the need to reevaluate the compatibility of the project with the surrounding community and to ensure the facility is operating in substantial compliance during the term of approval. Staff also recommends that the project be inspected every six months for compliance with the final conditions of approval.

### **FEES/DEPOSITS**

If approved, the following will apply:

Fish & Game:

1. Processing fees of \$25.00 related to posting the Notice of Determination with the County Clerk. The fee will be required prior to the final approval date of the permit.

Zoning Enforcement:

2. Cost recovery deposit of \$1,500.00 to cover the costs of the ten (10) recommended zoning enforcement inspections. Additional funds would be required if violations are found on the property.

### **STAFF RECOMMENDATION**

#### **Continuance**

Prior to making a decision on this case, Staff recommends the Planning Commission consider the facts, analysis and correspondence contained in this report along with the oral testimony and/or written comments received during the public hearing.

If the Commission finds the applicant satisfies the conditional use permit burden of proof requirements for this request, than Staff recommends **Approval** of Conditional Use Permit No. 03-036-(2), subject to the attached draft conditions.

### **SUGGESTED MOTION**

**"I MOVE THE PUBLIC HEARING BE CLOSED AND THAT THE REGIONAL PLANNING COMMISSION INDICATE ITS INTENT TO APPROVE CONDITIONAL USE PERMIT CASE NO. 03-036-(2), AND INSTRUCT STAFF TO PREPARE THE FINAL ENVIRONMENTAL DOCUMENTATION AND FINDINGS AND CONDITIONS FOR APPROVAL."**

Attachments:

Copy of Thomas Brothers Map  
Burden of Proof  
Environmental Documentation  
Draft Conditions  
Attachments  
Photographs  
Site Plan, Elevations  
Land Use Map

RJF:SD